

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

RONNIE DESHONE FREEMAN,

Petitioner,

VS.

DOUGLAS DRETKE, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL
JUSTICE - INSTITUTIONAL DIVISION,

Respondent.

Civil Action No. 3:04-CV-2118-D
(Fifth Circuit No. 05-10436)

CLERK, U.S. DISTRICT COURT

By _____ Deputy

FEB 22 2006

ORDER

The Fifth Circuit originally dismissed the appeal in this case. Thereafter, it granted petitioner's petition for rehearing and remanded the appeal to this court to determine pursuant to Fed. R. App. P. 4(c)(1) whether the notice of appeal was timely filed on or before February 28, 2005. *See Freeman v. Dretke*, No. 05-10436 (5th Cir. Dec. 2, 2005) (per curiam) (order). The court referred the matter to United States Magistrate Judge Wm. F. Sanderson, Jr. to enter a recommendation concerning whether the notice of appeal was timely filed. Having reviewed *de novo* the magistrate judge's findings, conclusions, and recommendation, the court finds that petitioner's notice of appeal was timely filed.

The court directs the clerk of court to transmit a copy of this order to the clerk of the Fifth Circuit.

SO ORDERED.

February 22, 2006.

Sidney A. Fitzwater
SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE